

**AMENDMENT TRANSMITTAL LETTER****After Final Rejection**Application No.
10/784,628Filing Date
February 23, 2004Examiner
J. L. CumberledgeGroup Art Unit
3733

Applicant(s): Joseph P. Errico, Michael W. Dudasik, and Rafail Zubok

Docket No.
SPINE 3.0-437Invention: INSTRUMENTATION FOR INSERTING AND IMPACTING AN ARTIFICIAL
INTERVERTEBRAL DISC IN AN INTERVERTEBRAL SPACE**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	20	- 20 =	0	x 50.00	0.00
Independent Claims	2	- 3 =	0	x 210.00	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

☒ Large Entity☐ Small Entity☒ No additional fee is required for this amendment.☐ Please charge Deposit Account No. _____ in the amount of _____.
A duplicate copy of this sheet is enclosed.☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 12-1095
as described below. A duplicate copy of this sheet is enclosed.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.
William A. Di Bianca
Attorney Reg. No. 58,653Dated: October 31, 2007LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: October 31, 2007

Signature:  (William A. Di Bianca)

(William A. Di Bianca)

In response to the Office Action dated September 17, 2007, finally rejecting claims 1-20, please amend the above-identified U.S. patent application as follows: